

PATENT  
Docket No. 316082000121

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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Date of Deposit: December 3, 2002

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Tamara Alcaraz

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TECH CENTER 1600/290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael D. DAN et al.

Serial No.: 09/194,164

Filing Date: April 9, 1999

For: ANTIGEN BINDING FRAGMENTS  
THAT SPECIFICALLY DETECT  
CANCER CELLS, NUCLEOTIDES  
ENCODING THE FRAGMENTS, AND  
USE THEREOF FOR THE  
PROPHYLAXIS AND DETECTION OF  
CANCERS

Examiner: Christopher H. Yaen

Group Art Unit: 1642

#24  
100  
12-13m

**COMMUNICATION REGARDING NON-RECEIPT OF ADVISORY ACTION**

Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231


Dear Sir:

Applicants are submitting a Notice of Appeal and Petition for Extension of Time for the above-referenced application. A response to the Final Office Action dated June 3, 2002 was submitted on August 2, 2002. Due to non-receipt of an Advisory Action or any notification, Applicants submit a three (3) month Petition for Extension of Time.

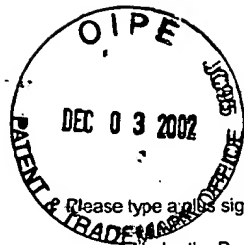
In the event that the Patent Office determines that a lesser extension is required, Applicants petition the Assistant Commissioner to credit any overpayment of such extension due in connection with the this application to **Deposit Account No. 03-1952** referencing docket no. **316082000121**.

Respectfully submitted,

Dated: December 3, 2002

By:   
Cara M. Coburn  
Registration No. 46,631

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-4218  
Facsimile: (650) 494-0792



12-05-02

AF/1600  
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PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number 09/194,164

Filing Date April 9, 1999

First Named Inventor Michael D. DAN

Group Art Unit 1642

Examiner Name Christopher H. Yaen

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Total Number Of Pages In This Submission

7

Attorney Docket No. 316082000121

TECH CENTER 1600/2900

**ENCLOSURES (check all that apply)**☒ Fee Transmittal Form - in duplicate☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declarations☒ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Assignment Papers  
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance Communication to  
Group☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify  
below):

- Notice of Appeal
- Communication Regarding Non-Receipt of  
Advisory Action (2 pages)
- Return receipt postcard

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**Firm  
or

Individual Name

Morrison &amp; Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304

Cara M. Coburn (Reg. No. 46,631)

Signature

Date

December 3, 2002

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Tamara Alcaraz

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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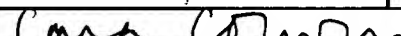
 <p style="margin-top: 10px;">Patent fees are subject to annual revision.</p>		<b>Complete if Known</b>	
		Application Number	09/194,164
		Filing Date	April 9, 1999
		First Named Inventor	Michael D. DAN
		Examiner Name	Christopher H. Yaen
		Group Art Unit	1642
<b>TOTAL AMOUNT OF PAYMENT</b>		(\$) <b>620</b>	Attorney Docket No. 316082000121

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METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																																														
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: <u>03-1952</u></p> <p>Deposit Account Name: <u>Morrison &amp; Foerster LLP</u></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td>460</td></tr> <tr><td>1254</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td>160</td></tr> <tr><td>1402</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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late filing fee or oath		1052	50	227	25	Surcharge - late provisional filing fee or cover sheet		1053	130	139	130	Non-English specification		1812	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		1804	920*	112	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		1251	110	215	55	Extension for reply within first month		1252	400	216	200	Extension for reply within second month		1253	920	217	460	Extension for reply within third month	460	1254	1,440	218	720	Extension for reply within fourth month		1255	1,960	228	980	Extension for reply within fifth month		1401	320	219	160	Notice of Appeal	160	1402	320	220	160	Filing a brief in support of an appeal		1403	280	221	140	Request for oral hearing		1451	1,510	138	1,510	Petition to institute a public use proceeding		1452	110	240	55	Petition to revive - unavoidable		1453	1,280	241	640	Petition to revive - unintentional		1501	1,280	242	640	Utility issue fee (or reissue)		1502	460	243	230	Design issue fee		1503	620	244	310	Plant issue fee		1460	130	122	130	Petitions of the Commissioner		1807	50	123	50	Petitions related to provisional applications		1806	180	126	180	Submission of Information Disclosure Stmt		8021	40	581	40	Recording each patent assignment per properties (times number of properties)		1809	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))		1801	740	279	370	Request for Continued Examination (RCE)		1802	900	169	900	Request for expedited examination of a design application	
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<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Cara M. Coburn	Registration No. (Attorney/Agent)	46,631
Signature		Telephone	(650) 813-4218
		Date	December 3, 2002

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